

## AMS/FAST CHANGE REQUEST (CR) COVERSHEET

**Change Request Number:** 22-29

**Date Received:** December 7, 2021

**Title:** Valid Unsolicited Proposals

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**Policy and Guidance:** (check all that apply)

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|---|--|
| <input type="checkbox"/> Policy                 | <input type="checkbox"/> Procurement Tools and Resources     |
| <input checked="" type="checkbox"/> Guidance    | <input type="checkbox"/> Real Property Templates and Samples |
| <input type="checkbox"/> Procurement Samples    | <input type="checkbox"/> Procurement Clauses                 |
| <input type="checkbox"/> Procurement Templates  | <input type="checkbox"/> Real Property Clauses               |
| <input type="checkbox"/> Procurement Forms      | <input type="checkbox"/> Other Tools and Resources           |
| <input type="checkbox"/> Procurement Checklists |  |

### Summary of Change:

This change updates AMS Guidance to clarify what constitutes a "valid" Unsolicited Proposal, updates the required contents of such submissions, and makes other administrative changes.

### Reason for Change:

To permit consideration in an objective and timely manner, Unsolicited Proposals must contain specific information. These changes seek to clarify what offerers must include in their submissions.

**Development, Review, and Concurrence:** AAP-110

**Target Audience:** Contracting and Program Office Personnel

**Briefing Planned:** No.

**ASAG Responsibilities:** None.

**Section / Text Location:** T3.2.2.6.A

**The redline version must be a comparison with the current published FAST version.**

- ☒ I confirm I used the latest published version to create this change / redline

**or**

- ☐ This is new content

**Links:** <https://fast.faa.gov/docs/procurementGuidance/guidanceT3.2.2.6.pdf>

**Attachments:** Redline and Final documents.

**Other Files:** N/A.

**Redline(s):**

### **Section Revised: T3.2.2.6 – Unsolicited Proposals**

**Procurement Guidance - (~~10/2021~~1/2022)**

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T3.2.2.6 - Unsolicited Proposals Revised 10/2008

A Unsolicited Proposals

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### T3.2.2.6 - Unsolicited Proposals Revised 10/2008

#### A Unsolicited Proposals

##### **1 General** Added 1/2022

a. Unsolicited proposals (UPs) allow unique and innovative ideas or approaches that have been developed outside the Government to be made available to Government agencies for use in accomplishment of their missions. The FAA accepts UPs that are offered with the intent that the FAA will enter into a contract with the offeror for research and development or other efforts supporting the FAA mission.

b. Advertising material, commercial item offers, contributions, or routine correspondence on technical issues, are not unsolicited proposals.

c. A valid unsolicited proposal must:

(1) be innovative and unique;

(2) be independently originated and developed by the offeror;

(3) be prepared without FAA supervision, endorsement, direction, or direct Government involvement;

(4) include sufficient detail to permit a determination that FAA support could be worthwhile and the proposed work could benefit the FAA's research and development or other mission responsibilities;

(5) not be an advance proposal for a known agency requirement that can be acquired by competitive methods; and

(6) not address a previously published agency requirement.

(d) Unsolicited proposals in response to a publicized, general statement of FAA needs are considered to be independently originated.

##### **2 Responsibilities** Revised ~~10/2012~~1/2022

a. *Central Point of Contact.* The Acquisition Policy Division (AAP-100) is the central point of contact for unsolicited proposals(UPs), and has overall responsibility for control and tracking of all UPs in FAA. Potential offerors should send UPs to AAP-100, which will process the UP in accordance with this section.

b. *Designated UP Coordinator.* Each office head or service director in Washington headquarters, Regional Administrators, and Center Directors should designate a person as a contact and coordinator for UPs. The UP coordinator will receive, track, and forward UPs to the appropriate office for evaluation and appropriate correspondence.

(1) For Washington headquarters, AAP-100 is the UP coordinator.

(2) For Regions and Centers, acquisition offices should designate a UP coordinator (the UP coordinator need not be in the acquisition office). Acquisition offices should forward to AAP-100 the name, routing symbol, and phone number of the UP coordinator(s) for their region or center. The information should be updated whenever a UP coordinator changes.

c. *UP Evaluator.* UP evaluators are individuals who conduct a comprehensive review of UPs to determine if the ideas offered are innovative and unique, are independently originated, prepared without FAA supervision, could benefit FAA's mission, and are not an advance proposal for a known FAA requirement.

### **2-3 Content of UP Revised 1/2022**

**AAn** UP should contain the following information to permit consideration in an objective and timely manner:

~~(a.—Offeror's)~~ basic information including—

~~(1) Offeror's~~ name and address; and type of organization (e.g., profit, nonprofit, educational, small business);

~~b.—(2) Names and~~ ~~phonetelephone~~ numbers of technical and business personnel to be contacted for evaluation ~~and/or~~ negotiation purposes;

~~c.—Type of organization, e.g., small business, non-profit, etc.;~~

~~d.—(3) Identification of proprietary data to be used only for evaluation purposes;~~

~~(4) Names of other Federal, State, or local agencies or parties receiving the proposal or funding the proposed effort;~~

~~(5) Date of submission; and~~

~~(6) Signature of a person authorized to represent and to contractually obligate the offeror.~~

~~(b) Technical information including—~~

~~(1) Concise title and abstract~~ (approximately 200 words) of the proposed effort;

~~e.—An outline and~~ ~~(2) A reasonably complete discussion of the purpose of the proposal and how it relates to the work of the FAA, stating (i) the objectives of the effort or activity, (ii) the method of approach to the problem, and~~ and extent of effort to be employed, (iii) the nature and extent of the anticipated results, and (iv) the manner in which the work will help to support accomplishment of the agency's mission;

~~f.—(3) Names of key personnel, with brief and biographical descriptions, and relevant experience;~~

~~g.—Length of time required to perform~~ information on the work;

~~h. Proposed cost offeror's key personnel who will be involved, including separate cost estimates for salaries, equipment, alternates; and other direct or indirect costs;~~

~~i. Name and addresses of any other Government agencies to whom~~ (4) Type of support needed from the same FAA (e.g., FAA property or personnel resources).

(c) Supporting information including-

(1) Proposed price or similar total estimated cost for the effort in sufficient detail for meaningful evaluation;

(2) Period of time for which the proposal has been submitted; is valid (a 6-month minimum is suggested);

~~j. (3) Type of contract preferred;~~

(4) Proposed duration of effort;

(5) Brief description of the organization, previous experience, relevant past performance, and facilities, particularly those to be used in the proposed effort;

~~k. Brief outline of previous work and experiences in the field;~~

~~l. The period of time which the proposal is valid;~~

~~m. Identification of any proprietary data;~~

~~n. Required~~ (6) Other statements, if applicable, about organizational conflicts of interest, security clearances, and environmental impacts; and

~~o. Signature of a person authorized to represent and contractually obligate the offeror.~~

(7) The names and telephone numbers of FAA technical or other FAA points of contact already contacted regarding the proposal.

**3.4 Receipt of UP** Revised 10/2012/2022

a. *Receipt Outside of AAP-100.* Often UPs are submitted directly to technical organizations, rather than to AAP-100. If an unsolicited proposal is received outside of AAP-100, the recipient should record the date of receipt and immediately send all copies to AAP-100. *The recipient must not read the UP upon receipt*, except to read any transmittal document to ascertain that a UP is being submitted. This safeguard is necessary to prevent any premature disclosure of any information which may be considered confidential or proprietary by the offeror.

b. *UPs Received by Regions and Centers.* UPs are sometimes submitted directly to regions and centers because the nature of the UP pertains only to region or center activities. Region and center UP coordinators may process these UPs if the subject matter indicates the region or center should evaluate the UP. The UP recipient should deliver all copies of the UP to the UP coordinator for the region or center. The UP coordinator will notify AAP-100 by e-mail of

receipt of the UP and the subject matter; AAP-100 will assign a UP number for identification purposes and inform the region/center of that number. The UP coordinator will promptly send AAP-100 one copy of the UP and copies of all correspondence to the offeror and evaluating office.

c. UP coordinators for regions and centers will follow the same procedures as AAP-100 for processing UPs.

#### **4.5 Procedures** Revised 10/2012 1/2022

a. AAP-100 will process UPs as follows:

- (1) Review each submission received and determine whether it constitutes a valid UP;
- (2) Maintain an appropriate UP record;
- (3) If a valid UP, send the UP to a UP evaluator for review;
- (4) If it is not accepted, return the UP to the offeror advising of FAA policy and procedures regarding the treatment of UPs. A UP may be returned if:
  - (a) It is not related to the FAA mission (when returning the UP, if possible identify any other DOT operating administration whose mission may be related to the subject matter);
  - (b) The offeror requests withdrawal of the UP without an evaluation;
  - (c) The UP is not accepted for evaluation for any appropriate reason; or
  - (d) It does not contain a restrictive legend.
- (5) Coordinate with the Procurement Legal Division (AGC-500) if any questions arise regarding proprietary data
- (6) AAP-100 will retain one copy of the UP and return all remaining copies to the offeror if the UP will not be supported.

b. *Proprietary Data.* UPs may contain unique ideas which ~~involve~~include proprietary data. ~~To safeguard this~~Unless the offeror clearly states in writing that no restrictions are imposed on the disclosure or use of the data and ensure restricted data is not disclosed~~contained in the proposal~~, AAP-100 will place a cover sheet or electronic distribution notice on the UP stating the following: "UNSOLICITED PROPOSAL - USE OF DATA LIMITED. All Government personnel must exercise extreme care to ensure that information in this proposal is not disclosed outside the Government and is not duplicated, used, or disclosed in whole or in part for any purpose other than evaluation of the proposal without the written permission of the offeror. If a contract is awarded on the basis of this proposal, the terms of the contract must control disclosure and use. The notice does not limit the

Government's right to use information contained in the proposal if it is obtainable from another source without restriction. This is a Government notice and will not by itself be construed to impose any liability upon the Government or Government personnel for disclosure or use of data contained in this proposal."

## **5-6 Evaluation** Revised 10/2012 1/2022

### *a. UP Evaluator Responsibilities.*

(1) After receiving a UP from AAP-100, the UP evaluator should promptly perform an initial review of the UP to determine whether it has been submitted to the appropriate office. If the UP evaluator determines another office should perform the review, then the UP evaluator must immediately return the UP to AAP-100 with advice about which office should perform the review. The UP evaluator should also identify and coordinate with any other organizations that should assist in the evaluation of the UP, and advise AAP-100 accordingly.

(2) The UP evaluator should ensure a comprehensive evaluation of the UP is completed within 30 days after receipt from AAP-100. Coordinating with other offices, if necessary, should be factored into the 30 day time period. If the review cannot be completed within 30 days, the UP evaluator should advise AAP-100 of the reasons for the delay and when the evaluation is expected to be completed.

(3) UP evaluators may consider the following when reviewing and deciding whether to support a UP:

(a) Unique and innovative methods, approaches or concepts are demonstrated;

(b) Overall scientific, technical, or socio-economic merits of the proposal;

(c) Potential contribution of the effort to the FAA's mission;

(d) The offeror's capabilities, related experience, facilities, techniques or unique combinations of these which are integral factors for achieving the proposal objectives; and

(e) The qualifications, capabilities and experience of the proposed principal investigator, team leader, or key personnel who are critical to achieving the proposal objectives.

b. Once the evaluation is completed, the UP evaluator should advise AAP-100 by memorandum of the results of the evaluation.

(1) If the proposal will not be supported, that is, the FAA does not intend to award a contract based on acceptance of the proposal, the UP evaluator should include with the memorandum a

draft reply to the offeror, with appropriate comments concerning the proposal and the specific reasons why the proposal will not be pursued. The UP evaluator should also return all copies of the UP to AAP-100.

(2) If the proposal will be supported, the UP evaluator should submit with the memorandum:

(a) A procurement request for the requirement; and

(b) Written justification to support a recommendation for a single source contract.

(c) If the UP will be supported, it will be the basis for negotiating a contract.

## **6.7 Notifying the Offeror** Revised ~~10/2012~~ 1/2022

a. AAP-100 will provide the following written notifications to offerors:

(1) Acknowledge receipt of the UP from the offeror, and include a UP identification number for tracking purposes in the acknowledgment.

(2) Advise the offeror of the status of the proposal if the evaluation is not completed within 30 days, or is delayed, and the date the evaluation is expected to be completed;

(3) Advise the offeror of the results of the evaluation, using the UP evaluator's draft letter and any other data to explain why the proposal will or will not be supported by the FAA.

## **7.8 Prohibitions** Revised 1/2022

a. Government personnel must not use any data, concept, idea, or other part of a UP as the basis, or part of the basis, for a solicitation or in negotiations with any other firm unless the offeror is notified of and agrees to the intended use. However, this prohibition does not preclude using any data, concept, or idea available to the Government from other sources without restriction.

b. Government personnel must not disclose restrictively marked information included in a UP. The disclosure of such information concerning trade secrets, processes, operations, style of work, apparatus, and other matters, except as authorized by law, may result in criminal penalties under 18 U.S.C. 1905.

## **B Clauses**

[view contract clauses](#)

## **C Forms**

[view procurement forms](#)